

Appendix B

Terminal Disclaimer and Terminal Disclaimer Fee Sheet (see attached copy)





Express Mail No.: EV475142330US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Naimark *et al.* Confirmation No.: 8822
Serial No.: 10/645,652 Art Unit: 3767
Filed: August 20, 2003 Examiner: Kevin C. Sirmons
For: MEDICAL DEVICE FOR DELIVERY OF Attorney Docket No.: 10177-185-999
A BIOLOGICALLY ACTIVE CAM No.: 008563-999182
MATERIAL TO A LUMEN

TERMINAL DISCLAIMER

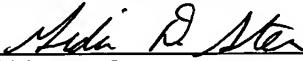
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$110.00. Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is attached for accounting purposes.

Date: May 23, 2006

Respectfully submitted,



Gidon D. Stern

(Reg. No. 27,469)

By:



Linda B. Azrin

(Reg. No. 44,516)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Enclosure



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Alexandria, VA 22313-1450

Sir:

Your Petitioner, **Gidon D. Stern** represents that he is one of the attorneys of record for Scimed Life Systems, Inc., the assignee of the entire right, title and interest in and to the above-identified application, by virtue of an Assignment which was recorded on November 28, 2000, at reel 011377, frame 0059, during prosecution of prior application Serial No. 09/724,505, filed November 28, 2000, now U.S. Patent No. 6,638,246. The above-captioned patent application is a continuation of application Serial No. 09/724,505, filed November 28, 2000, now U.S. Patent No. 6,638,246.

Petitioner submits that Scimed Life Systems, Inc. is also the assignee of the entire right, title and interest in and to U.S. Patent No. 6,638,246, which issued on October 28, 2003, by virtue of an assignment which was recorded on November 28, 2000, at reel 011377, frame 0059.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,638,246, which issued on October 28, 2003, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,638,246.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,638,246 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all

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claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of Scimed Life Systems, Inc.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 23rd day of May, 2006.

*Gidon D. Stern by:
Kita B.G.* Reg. No. 44,516
By: _____ 27,469
Gidon D. Stern (Reg. No.)
Attorney for Scimed Life Systems, Inc.

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Enclosure